

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Rudolph Technologies, Inc., a Delaware corporation,	)	
	)	Case No.: 05-CV-01396 (JRT/FLN)
Plaintiff,	)	
	)	
v.	)	
	)	
Camtek Ltd., a foreign corporation,	)	
	)	
Defendant.	)	
	)	

---

**DECLARATION OF THOMAS R. JOHNSON IN SUPPORT OF PLAINTIFF  
RUDOLPH TECHNOLOGIES, INC.'S MEMORANDUM IN SUPPORT OF ITS  
MOTION TO EXECUTE ON SUPERSEDEAS BOND**

I, Thomas R. Johnson, declare and state as follows:

1. I am an attorney at Merchant & Gould, P.C., counsel for Plaintiff Rudolph Technologies, Inc. ("Rudolph") in the above-captioned matter. I make this declaration on my own information, knowledge and belief.
2. I am admitted to practice law in the State of Minnesota and in this Court.
3. Attached as Exhibit A is a true and correct copy of supersedeas bond no. 09185259, executed by principal Camtek Ltd. ("Camtek") and surety Zurich American Insurance Company ("Zurich"). This bond was filed with the Court in this matter on March 10, 2015 pursuant to an Order dated March 5, 2015. (*See* Dkt. Nos. 1027, 1030.)
4. Rudolph has received no payments from Camtek for the February 10, 2015 judgment in this case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 14, 2016

s/Thomas R. Johnson  
Thomas R. Johnson

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

RECEIVED

15 MAR 10 AM 8:45

CLERK U.S. DIST. COURT  
MINNEAPOLIS, MN

BOND NO. 09185259

August Technology Corporation, and  
Rudolph Technologies, Inc.,

Plaintiffs,

v.

Camtek Ltd.,

Defendant.

Case No.: 05-CV-01396 (JRT/FLN)

We, Camtek Ltd., as principal, and Zurich American Insurance Company, as surety, are held and firmly bound unto Rudolph Technologies, Inc. in the maximum aggregate sum of \$15,000,000.00, to be paid to Rudolph Technologies, Inc., its successors, executors, administrators and assigns; to which payment, to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally by this document.

The Court has ordered a stay of execution of or any proceedings to enforce the judgment rendered in this action pending the disposition of the appeal of Camtek Ltd. from the judgment for Rudolph Technologies, Inc., provided that Camtek Ltd. give a bond in the maximum aggregate sum of \$15,000,000.00, conditioned for the satisfaction of the judgment in full with interest, costs and damages for delay, if the judgment is finally sustained.

The condition of this obligation is such, that if Camtek Ltd. shall prosecute the appeal to effect and shall satisfy the judgment in full together with interest and costs if for any reason the appeal is denied, or shall satisfy in full such modification of the judgment and costs and interest as may be finally determined by a final, unappealable judgment, then this obligation is to be void; otherwise to remain in full force and effect. In no event shall the liability of the surety exceed the maximum aggregate penal sum of this bond.

Provided, however, that regardless of the number of years this bond is in force, the liability of the surety shall not be cumulative and shall not exceed the maximum penal sum set forth above.

In Presence of

Maury Kymel  
Witness

Principal: Camtek Ltd.,

By: William F. Mohrman, Title as Attorney in fact solely on behalf of Camtek, Ltd.  
Zurich American Insurance Company

Vivian Carti  
Witness, Vivian Carti

By: Cynthia Farrell  
Cynthia Farrell, Attorney-in-Fact

---

---

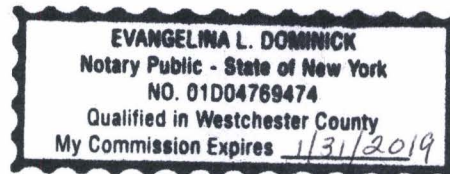
ACKNOWLEDGEMENT OF SURETY

---

STATE OF NEW YORK     )  
CITY OF NEW YORK     ) SS:  
COUNTY OF NEW YORK    )

On this 6<sup>th</sup> day of March in the year 2015, before me personally came to me known, who, being by me duly sworn, did depose and say that Cynthia Farrell he/she resides in New York, New York that he/she is the Attorney-in-Fact of Zurich American Insurance Company the corporation described in and which executed the above instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said Corporation.

*Evangelina L. Dominick*  
Notary Public or Commissioner of Deeds



PRINCIPAL'S ACKNOWLEDGMENT

State of MINNESOTA

County of HENNEPIN

On 3/9/2015 before me, Gregory M. Erickson personally appeared WILLIAM F. MOHRMAN who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity upon behalf of which the person(~~s~~) acted, executed the instrument.

WILLIAM  
as attorney  
in fact  
Solely on  
behalf of  
Cantek,  
Ltd.,

I certify under PENALTY OF PERJURY under the laws of the State of MINNESOTA that the foregoing paragraph is true and correct.

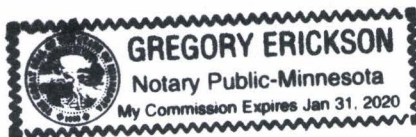
WITNESS my hand and official seal.

(seal)

3-9-15

Signature

[Signature]





**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND  
POWER OF ATTORNEY**

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **GERALD F. HALEY, Vice President**, in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Vivian CARTI, Debra A. DEMING, Cynthia FARRELL, Sandra DIAZ, Jessica IANNOTTA, Annette LEUSCHNER, Edward REILLY, Kelly O'MALLEY and Evangelina L. DOMINICK, all of New York, New York, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND**, this 18th day of November, A.D. 2014.

ATTEST:

**ZURICH AMERICAN INSURANCE COMPANY  
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



By: \_\_\_\_\_

*Eric D. Barnes*

*Assistant Secretary  
Eric D. Barnes*

State of Maryland  
City of Baltimore

*Gerald F. Haley*

*Vice President  
Gerald F. Haley*

On this 18th day of November, A.D. 2014, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **GERALD F. HALEY, Vice President, and ERIC D. BARNES, Assistant Secretary**, of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, depose and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

*Maria D. Adamski*

Maria D. Adamski, Notary Public  
My Commission Expires: July 8, 2015





**EXTRACT FROM BY-LAWS OF THE COMPANIES**

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify or revoke any such appointment or authority at any time."

**CERTIFICATE**

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 6th day of March, 2015.



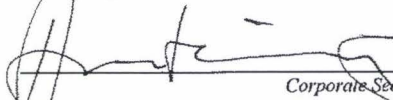
*Thomas O. McClellan*

Thomas O. McClellan, Vice President

**ZURICH AMERICAN INSURANCE COMPANY**  
**COMPARATIVE BALANCE SHEET**  
**ONE LIBERTY PLAZA, 165 BROADWAY, 32nd FLOOR, NEW YORK, NY 10006**  
**As of December 31, 2013 and December 31, 2012**

	12/31/2013	12/31/2012
<b>Assets</b>		
Bonds	\$ 18,990,565,123	\$ 18,907,466,866
Preferred Stock	-	-
Common Stock	2,411,755,638	2,123,025,432
Other Invested Assets	2,505,133,631	2,035,077,824
Short-term Investments	327,019,081	126,053,209
Receivable for securities	123,767,865	134,410,839
Cash and cash equivalents	(65,045,469)	728,298,115
Securities lending reinvested collateral assets	208,060,537	225,335,750
Employee Trust for Deferred Compensation Plan	142,420,097	130,493,778
Total Cash and Invested Assets	<u>\$ 24,643,676,503</u>	<u>\$ 24,410,161,814</u>
Premiums Receivable	\$ 3,358,946,105	\$ 3,649,247,239
Funds Held with Reinsurers	2,383,155	3,681,443
Reinsurance Recoverable	391,812,478	215,451,507
Accrued Investment Income	113,886,701	121,729,727
Federal Income Tax Recoverable	940,033,456	930,267,731
Due from Affiliates	183,852,738	187,274,289
Other Assets	549,410,052	493,265,075
Total Assets	<u>\$ 30,184,001,188</u>	<u>\$ 30,011,078,824</u>
<b>Liabilities and Policyholders' Surplus</b>		
<b>Liabilities:</b>		
Loss and LAE Reserves	\$ 13,894,112,327	\$ 14,244,436,264
Unearned Premium Reserve	4,321,146,577	4,159,670,241
Funds Held with Reinsurers	185,460,548	212,412,675
Loss In Course of Payment	357,922,606	408,170,112
Commission Reserve	68,132,284	64,038,359
Federal Income Tax Payable	290,773,995	16,190,044
Remittances and Items Unallocated	111,710,550	196,410,982
Payable to parent, subs and affiliates	154,428,297	57,540,814
Provision for Reinsurance	43,942,761	66,649,220
Ceded Reinsurance Premiums Payable	807,651,125	551,510,878
Securities Lending Collateral Liability	208,060,537	225,335,750
Other Liabilities	1,942,241,242	2,166,453,164
Total Liabilities	<u>\$ 22,385,582,849</u>	<u>\$ 22,368,818,502</u>
<b>Policyholders' Surplus:</b>		
Common Capital Stock	\$ 5,000,000	\$ 5,000,000
Paid-In and Contributed Surplus	4,394,131,321	4,394,131,321
Surplus Notes	-	430,000,000
Special Surplus Funds	34,865,000	43,259,000
Cumulative Unrealized Gain	505,136,565	331,857,594
Unassigned Surplus	2,859,285,454	2,438,012,408
Total Policyholders' Surplus	<u>\$ 7,798,418,339</u>	<u>\$ 7,642,260,323</u>
Total Liabilities and Policyholders' Surplus	<u>\$ 30,184,001,188</u>	<u>\$ 30,011,078,824</u>

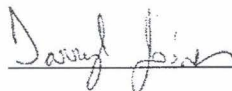
I, Dennis F. Kerrigan, Corporate Secretary of ZURICH AMERICAN INSURANCE COMPANY do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company, on the 31st day of December, 2013, according to the best of my information, knowledge and belief.

  
 Corporate Secretary

State of Illinois  
 County of Cook

} SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 15th day of March, 2014.

  
 Notary public

OFFICIAL SEAL  
 DARRYL JOINER  
 Notary Public - State of Illinois  
 My Commission Expires May 3, 2014